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REMARKS

Claims 1-28 are pending in the application. Claims 1, 11, 21, 23 and 26 are independent claims.

Claims 1-2 and 4-25 were rejected under 35 USC 103(a) as being unpatentable over Noronha et al. (US PGPub 2003/0223466) and Huchings (2003/0030720); Claim 3 was rejected as being unpatentable over Noronha and Huchings in view of Thompson ("IEEE 1394: Changing the way we do Multimedia Communications"); Claims 26-28 were rejected as being unpatentable over Noronha and Huchings in view of Rabenko et al. (US PGPub 2002/0006137).

Each of the rejections is respectfully traversed and reconsideration is requested.

Independent Claim 1, as filed, is directed to a method for transmitting timing critical data over a network that is also carrying Internet Protocol traffic including transmitting the timing critical data directly to a media access control layer, *maintaining a timing relationship* of the timing critical data throughout the media access control layer *to a scheduler and scheduling transmission of the timing critical data and the Internet Protocol traffic in a single scheduler.*

Independent Claim 11 is directed to an apparatus for transmitting a first timing critical data from a first network and a second timing critical data from a second network over one or more other networks to one or more client devices, the apparatus including a video bridge coupled to the first and second networks and receiving the first and second timing critical data from the first and second networks, *maintaining a timing relationship of the first and second timing critical data,* and scheduling transmission of the timing critical data over the one or more other networks to each of the one or more client devices.

Independent Claim 21 is directed to an apparatus for transmitting timing critical data from a first network over one or more other networks to one or more client devices, the apparatus including a video bridge coupled to the first network and receiving the timing critical data, *maintaining a timing relationship of the timing critical data,* scheduling transmission of the timing critical data over the one or more other networks, and outputting a television signal, and a television coupled to the video bridge to receive the television signal from the video bridge.

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Independent Claim 23 is directed to an apparatus for transmitting timing critical data from a first network along with Internet Protocol packets over one or more other networks to one or more client devices, the apparatus including a processor outputting Internet Protocol data packets, and a video bridge coupled to the first network and the processor, receiving the timing critical data, maintaining a timing relationship of the timing critical data and scheduling transmission of the timing critical data along with the Internet Protocol packets over the one or more other networks to the one or more client devices.

The Office Action takes the position that while “Hutchings fails to teach maintaining a timing relationship of timing critical data throughout the media access control layer to a scheduler *and scheduling transmission of the timing critical data and the Internet Protocol traffic in a single scheduler*” – Noronha (allegedly) teaches a multi-stream multiplexing device that combines and transmits timing critical data and schedules and sends the data and that therefore ‘it would have been obvious...to have combined Hutchings and Noronha to provide the scheduling of time critical data of Noronha in the system of Hutchings, because doing so would ensure the timing critical data can be correctly decoded at its destination’.

First, Applicant respectfully submits that both Hutchings and Noronha fail to teach or suggest a method or apparatus in accordance with independent Claims 1, 11, 21 and 23, in which the recited method (or apparatus) for transmitting timing critical data over a network that is also carrying Internet Protocol traffic transmits the timing critical data directly to a media access control layer, *maintains a timing relationship* of the timing critical data throughout the media access control layer *to a scheduler and schedules transmission of the timing critical data and the Internet Protocol traffic in a single scheduler*.

Rather, Hutchings is directed to a wireless video display apparatus in which a wireless video link transmits, to a wireless video display module, processed video information, in response to the video information (abst.). The formatting of the video information is ‘provided so the bandwidth of the video information does not overwhelm the wireless video link’ (para [0016]).

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Noronha is directed to an apparatus for redundant multiplexing and remultiplexing of program streams and best effort data, and is focused on providing a "system with redundant operation in the event of failure of one or more of the standalone components of the remultiplexer system" (para. [0021]).

Again, neither Hutchings nor Noronha teach or suggest a method or apparatus in which *a timing relationship* of the timing critical data is maintained throughout the media access control layer *to a scheduler* and in which the single scheduler *schedules transmission of the timing critical data and the Internet Protocol traffic*. In addition, neither Hutchings nor Noronha teach or suggest an apparatus for transmitting timing critical data from a first network along with Internet Protocol packets over one or more other networks to one or more client devices, the apparatus including a processor outputting Internet Protocol data packets, and a video bridge coupled to the first network and the processor, receiving the timing critical data, maintaining a timing relationship of the timing critical data and *scheduling transmission of the timing critical data along with the Internet Protocol packets* over the one or more other networks to the one or more client devices.

Finally, Applicant respectfully submits that it is, of course, improper for the Examiner to pick and choose elements from several references in order to "build" an obviousness rejection, when such a combination would not in fact have been obvious to one of ordinary skill in the art. Further, it is impermissible to use an Applicant's specification as an instruction manual or "road map" to piece together the teachings of the prior art in order to render claims obvious. The *only* suggestion for combining the alleged teachings of Hutchings and Noronha in the manner suggested by the Examiner is found in the luxury of the hindsight accorded one who first viewed Applicant's disclosure, which of course, is not a proper basis for a rejection.

For at least the foregoing reason, Applicant respectfully submits that each of independent Claims 1, 11, 21 and 23 are patentable over any permissible combination of the actual teachings of Hutchings and Noronha and reconsideration is requested.

Independent Claim 26 is directed to an apparatus for transmitting timing critical data from a first network along with Voice over Internet Protocol packets over one or more other networks to one or more client devices, the apparatus including a media terminal adapter, having one or

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more telephone ports for coupling to a telephone device, and outputting Voice over Internet Protocol packets, and a video bridge coupled to the first network and coupled to the media terminal adapter, receiving the timing critical data, receiving the voice over Internet Protocol packets from the media terminal adapter, maintaining a timing relationship of the timing critical data and scheduling transmission of the timing critical data and the voice over Internet Protocol packets over the one or more other networks to the one or more client devices

The Action takes the position that while “Noronha fails to teach the use of a video bridge coupled to the first network and coupled to the media terminal adapter, and receiving the voice over Internet Protocol packets from the media terminal adapter....[and] a media terminal adapter, having one or more telephone ports for coupling to a telephone device, and outputting Voice over Internet Protocol packets” – Hutchings teaches a video bridge coupled to a network to receive timing critical data...[and] it would have been ‘obvious....to have combined Noronha and Hutchings to...provide a technique to format a video data stream to allow for the transfer of video data over a network connection’ – and – Rabenko teaches a media terminal adapter...and the use of Voice over Internet Protocol packets...[and] it would have been ‘obvious to have combined Rabenko and Noronha and Hutchings to provide the media terminal adapter and Voice over Internet Protocol functionality of Rabenko in the system of Noronha and Hutchings because doing so would allow voice and data services on a shared medium’.

Again Applicant respectfully traverses the rejection, and submits that the rejection relies upon improper hindsight and picks and chooses various elements alleged to be taught in each of the several references in order to “build” an obviousness rejection. Again - such a combination would not in fact have been obvious to one of ordinary skill in the art. The *only* suggestion for combining the alleged teachings of all of Noronha, Hutchings, and Rabenko, in the manner suggested in the Action (paragraph 31, pages 16-17) is found in the hindsight accorded one who first viewed Applicant’s disclosure.

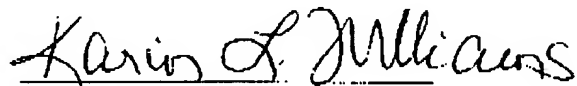
Accordingly, Applicant respectfully submits that independent Claim 26 is patentable over any permissible combination of the actual teachings of Noronha, Hutchings and Rabenko and reconsideration is requested.

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Dependent Claims 2-10, 12-20, 22, 24-25 and 27-28 are believed to be clearly patentable for all of the reasons indicated above with respect to Claim 1, 11, 21, 23 and 26 from which they depend, and even further distinguish over the cited references by reciting additional limitations.

For all of the foregoing reasons, it is respectfully submitted that Claims 1-28 are in condition for allowance. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicant's attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,



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